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 GOOGLE LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ADTRADER, INC., CLASSIC AND FOOD
 EOOD, LML CONSULT LTD., AD
 CRUNCH LTD., FRESH BREAK, LTD., and
 SPECIALIZED COLLECTIONS BUREAU,
 INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No. 5:17-CV-07082-BLF

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER RE: CLASS
 CERTIFICATION BRIEFING
 SCHEDULE**

AS MODIFIED BY THE COURT

Courtroom: 3

Judge: Hon. Beth Labson Freeman

Trial Date: June 6, 2022

This Stipulation is entered into by and between Plaintiffs AdTrader, Inc. (“AdTrader”), Classic and Food EOOD, LML Consult Ltd., Ad Crunch Ltd., Fresh Break Ltd., and Specialized Collections Bureau, Inc. (collectively “Plaintiffs”), and Google LLC (“Google” and collectively with Plaintiffs, the “Parties”), by and through their respective counsel.

WHEREAS, Google propounded its First Set of Requests for Production of Documents to AdTrader on October 23, 2018 (the “Requests”);

WHEREAS, AdTrader produced approximately 15,000 pages of documents in response to the Requests on February 4, 2019;

WHEREAS, in response to a subsequent meet and confer in July, 2019 AdTrader discovered that, due to a technical mistake by its document production vendor, approximately 225,000 pages of

documents that it had intended to include in its February 4 document production had not been produced;

WHEREAS, after discovering the mistake AdTrader promptly produced the additional 225,000 pages of documents;

WHEREAS, almost all of the newly produced documents are in Bulgarian, and will need to be translated into English;

WHEREAS, Google does not yet know whether it will be possible to translate many, if not most, of the Bulgarian documents programmatically;

WHEREAS, pursuant to the Joint Case Management Schedule entered by the Court on July 31, 2018, the current schedule for Plaintiffs' Motion for Class Certification is as follows:

Event	Date
Plaintiffs' Motion for Class Certification	September 17, 2019
Google's deadline to disclose the identity of and the general subjects of the opinions of any expert(s) that will support Google's Opposition to Plaintiffs' Motion for Class Certification	October 3, 2019
Google's Opposition to Plaintiffs' Motion for Class Certification	October 29, 2019
Plaintiffs' Reply in Support of their Motion for Class Certification	December 3, 2019
Hearing on Plaintiffs' Motion for Class Certification	December 19, 2019

WHEREAS, Google contends that in light of AdTrader's recent production of hundreds of thousands of pages of Bulgarian language documents, maintaining the current briefing schedule will seriously prejudice Google for several reasons:

- Google contends that it will be difficult or impossible for it to review the new

documents in the time available before class certification briefing opens.

- Google contends that it previously intended to take the depositions of at least one of AdTrader's principals in late August or early September and will now need to postpone any AdTrader depositions until Google can translate and review the relevant documents. With Google's opposition due on October 29, Google will be unable to conduct the needed depositions sufficiently in advance of its opposition deadline;
- Google contends that it is not yet aware of whether its review of these newly produced documents will reveal the need to conduct additional discovery for which Google has not yet planned and which Google has not yet requested from Plaintiffs;

WHEREAS, Plaintiffs contend that none of the documents AdTrader produced have any bearing on its intended motion for class certification, since its internal documents would only go towards the merits of its claims as opposed to any class certification issues, but nonetheless agree to a continuance both to avoid burdening the Court with motion practice and because its counsel have a two-week jury trial in federal court beginning on October 1, 2019;

WHEREAS, the parties currently have a mediation scheduled before the Honorable Laurel Beeler on October 22 and the requested continuance will also allow that mediation to occur before class certification briefing commences;

WHEREAS, on a separate issue, the Parties anticipate that Plaintiffs' Motion for Class Certification will be based on a large volume of data, documents and information that Google will attempt to seal and that it will be unduly burdensome for Google to be required to seal all of the requisite information four days after the initial filing;

WHEREAS, the fact discovery cut off in this matter is not until April 2, 2021, dispositive motions are not due until September 23, 2021, and trial is not set until June 6, 2022;

WHEREAS, Civil Local Rule 6-2(a) permits parties to file a stipulation requesting an order changing time that affects the date of an event or deadline set by Court order;

WHEREAS, the parties have not previously requested or received any extensions of time or changes to the Joint Case Management Schedule;

WHEREAS, the only other changes to the schedule in this matter have been stipulated requests

to set briefing schedules on Google's motions to dismiss (Dkt. Nos. 18 and 27);

WHEREAS, it is possible to postpone the briefing schedule for class certification without affecting any of the other deadlines set by the Court in this action and without prejudicing Plaintiffs;

WHEREAS, in light of the foregoing, the Parties agree that Plaintiffs will require additional time, beyond the current deadline to prepare their upcoming Motion for Class Certification;

WHEREAS, the Parties mutually desire a briefing schedule for class certification that does not unnecessarily interfere with the Thanksgiving, Christmas, and New Year's holidays;

WHEREAS, the Parties agree, based on the discovery requested and exchanged to date, that granting the stipulated extension of time for briefing and hearing Plaintiffs' Motion for Class Certification will allow for a more complete and orderly presentation of the factual and legal issues the Court will need to resolve in connection with Plaintiffs' Motion, and will not have any effect on any later event or deadline already fixed by Court order.

NOW THEREFORE, the Parties hereby jointly request the Court enter the following modified briefing schedule for class certification:

Event	Date
Plaintiffs' Motion for Class Certification	November 8, 2019
Google's deadline to move to seal any documents filed conditionally under seal by Plaintiffs in support of their Motion for Class Certification	November 18, 2019
Google's deadline to disclose the identity of and the general subjects of the opinions of any expert(s) that will support Google's Opposition to Plaintiffs' Motion for Class Certification	November 25, 2019
Google's Opposition to Plaintiffs' Motion for Class Certification	December 20, 2019

1 2 3 4 5	Plaintiffs' Reply in Support of their Motion for Class Certification	January 24, 2020
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Hearing on Plaintiffs' Motion for Class Certification	At the Court's discretion. The Parties jointly suggest a date in March, 2020.

IT IS SO STIPULATED.

DATED: August 19, 2019

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/s/ Randolph Gaw

Randolph Gaw
Attorneys for Plaintiffs
AdTrader, Inc. et al.

DATED: August 19, 2019

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/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin
Attorneys for Defendant
Google LLC

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Jeffrey M. Gutkin, attest that concurrence in the filing of this document has been
obtained from the other signatory. Executed on August 19, 2019, in San Francisco, California.

/s/ Jeffrey M. Gutkin

Jeffrey M. Gutkin

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The hearing on Plaintiffs' Motion for Class Certification is hereby SET for February 20, 2020,
3 at 9:00 A.M.

4 DATED: August 20, 2019



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6 HONORABLE BETH LABSON FREEMAN
7 United States District Judge
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